

I certify that the attached is a true and  
correct copy of HB 476, which  
was filed of record on JAN 18 1991  
and referred to the committee on:  
Natural Resources

*Betty Munnery*  
Chief Clerk of the House

1991 FEB -5 PM 2:33

HOUSE OF REPRESENTATIVES  
**FILED** JAN 18 1991

By *Jimell*

H. B. No. 476

A BILL TO BE ENTITLED

AN ACT

relating to the water quality standards and permit conditions  
established by the Texas Water Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.023, Water Code, is amended to read as  
follows:

Sec. 26.023. WATER QUALITY STANDARDS. The commission by  
rule shall set water quality standards for the water in the state  
and may amend the standards from time to time. The commission has  
the sole and exclusive authority to set water quality standards for  
all water in the state. Before adopting, modifying, amending, or  
canceling water quality standards, the commission must quantify and  
publish the public costs and benefits anticipated and shall give  
consideration to, among other factors, the economic and social  
costs and benefits that can reasonably be expected to be obtained  
as a consequence of the standards adopted, modified, amended, or  
canceled. Provided, however, that the requirement that the  
commission give consideration to the economic and social costs will  
not apply if such a determination would prevent the adoption of  
water quality standards that are consistent with the Federal Clean  
Water Act, and the basis of the commission decision not to apply  
the provision is identified by the commission in the record of its  
rulemaking proceeding.

SECTION 2. Section 26.029, Water Code (effective until

delegation of NPDES permit authority), is amended by adding Subsection (f) to read as follows:

(f) Before adopting, modifying, amending, or canceling conditions prescribed in the permit, the commission must quantify and publish the public costs and benefits anticipated and shall give consideration to, among other factors, the economic and social costs and benefits that can reasonably be expected to be obtained as a consequence of the conditions adopted, modified, amended, or canceled. Provided, however, that the requirement that the commission give consideration to the economic and social costs will not apply if such a determination would prevent the adoption of a permit consistent with the Federal Clean Water Act, and the basis of the commission decision not to apply the provision is identified by the commission in the record of its proceeding.

SECTION 3. Section 26.029, Water Code (effective on delegation of NPDES permit authority), is amended by adding Subsection (f) to read as follows:

(f) Before adopting, modifying, amending, or canceling conditions prescribed in the permit, the commission must quantify and publish the public costs and benefits anticipated and shall give consideration to, among other factors, the economic and social costs and benefits that can reasonably be expected to be obtained as a consequence of the conditions adopted, modified, amended, or canceled. Provided, however, that the requirement that the commission give consideration to the economic and social costs will not apply if such a determination would prevent the adoption of a permit consistent with the Federal Clean Water Act, and the basis

1 of the commission decision not to apply the provision is identified  
2 by the commission in the record of its proceeding.

3       SECTION 4.   The importance of this legislation and the  
4 crowded condition of the calendars in both houses create an  
5 emergency and an imperative public necessity that the  
6 constitutional rule requiring bills to be read on three several  
7 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

91 MAY 14 AM 1:10

HOUSE OF REPRESENTATIVES

1st Printing

By Junell

H.B. No. 476

Substitute the following for H.B. No. 476:

By Yost

C.S.H.B. No. 476

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SECTION 2. Section 26.029, Water Code (effective until delegation of NPDES permit authority), is amended by adding Subsection (f) to read as follows:

1        (f) Before adopting, modifying, amending, or canceling  
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3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

May 6, 1991  
(date)



Sir:  
We, your COMMITTEE ON NATURAL RESOURCES  
to whom was referred HB 476 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it  
( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
(X ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
A fiscal note was requested. (X ) yes ( ) no      An author's fiscal statement was requested. ( ) yes (X ) no  
A criminal justice policy impact statement was requested. ( ) yes (X ) no  
An equalized educational funding impact statement was requested. ( ) yes (X ) no  
An actuarial analysis was requested. ( ) yes (X ) no  
A water development policy impact statement was requested. ( ) yes (X ) no  
A federal funds impact statement was requested. ( ) yes (X ) no  
( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.  
This measure ( ) proposes new law.      (X ) amends existing law.  
House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Lewis R., Ch.	x			
Willy, V.C.	x			
Collazo, C.B.O.	x			
Bosse	x			
Greenberg	x			
Haggerty	x			
Hilderbran				x
Puente	x			
Yost	x			

Total      8      aye  
                 0      nay  
                 0      present, not voting  
                 1      absent

  
CHAIRMAN  
  
COMMITTEE COORDINATOR

HB 476  
By: Junell  
CSHB 476  
By: Yost

Committee on  
Natural Resources

## BILL ANALYSIS

### BACKGROUND

To comply with the Federal Clean Water Act, the Texas Water Commission adopts water quality standards every three years for Texas. Prior to adopting the standards, the TWC must hold public hearings on the proposed requirements. During one public hearing on the adoption of the 1988 standards, the suggestion arose that the costs associated with the implementation of the standards be ignored. Controversy ensued due to the belief, by some, that the current economy prohibits this suggested approach. Consequently, this bill would require that the benefits derived from compliance with the standards be identified and that consideration be given to the costs and benefits associated with water quality standards and permit conditions required by the Texas Water Commission.

### PURPOSE OF THE BILL

This bill amends existing law to require the Texas Water Commission to give consideration to the public costs and benefits associated with the requirements contained in the Texas Water Quality Standards and the permit conditions required by the Texas Water Commission.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.023, Water Code, to require the Texas Water Commission, prior to determining water quality standards, to consider the anticipated public costs and benefits. Provides that the requirement for consideration will not apply if it would prevent the adoption of water quality standards consistent with the Federal Water Pollution Control Act, and the basis of the commission's decision not to apply the provision is recorded.

SECTION 2. Amends Section 26.029, Water Code, (effective until delegation of NPDES permit authority), by adding Subsection (f), to require the commission to consider economic and social costs and benefits that are part of the record associated with permit conditions required by the commission. Provides that the requirement for consideration will not apply if it would prevent the adoption of a permit consistent with the Federal Water Pollution Control Act, and the basis of the commission's decision not to apply the provision is recorded.

SECTION 3. Amends Section 26.029, Water Code, (effective on delegation of NPDES permit authority), by adding Subsection (f), identical to that added to Section 2 of this Act.

SECTION 4. Emergency clause.

### RULEMAKING AUTHORITY

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.



#### COMPARISON OF SUBSTITUTE TO ORIGINAL BILL

The substitute requires the commission to keep determinations consistent with the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.), as opposed to the original's order to keep determinations consistent with the Federal Clean Water Act. The substitute does not require the commission to quantify and publish public costs and benefit associated with water quality standards and permits. The substitute also only requires the commission to publish the economic and social costs and benefits that are part of the record with regard to conditions in a permit.

#### SUMMARY OF COMMITTEE ACTION

Notice was posted in accordance with House Rules, and HB 476 was heard in a public hearing of the full committee on March 4, 1991. Testimony was taken in favor of the bill. Testimony was taken in opposition to the bill. Witnesses were present in favor, but did not testify on the bill. Witnesses were present in opposition, but did not testify on the bill. The motion to refer HB 476 to subcommittee carried without objection. Pursuant to a suspension of the five day posting rule, the subcommittee heard HB 476 in a public hearing on April 3, 1991. No witnesses were present on the bill. A substitute for HB 476 was offered and adopted without objection. The motion to report HB 476, as substituted, favorably back to the full committee carried by a vote of 2 ayes, 1 nay, 0 PNV, and 0 absent. The subcommittee report on HB 476 was taken up at a formal meeting of the full committee on May 6, 1991. The substitute to HB 476 was offered and adopted without objection. The motion to report HB 476, as substituted, favorably back to the full House carried by a vote of 8 ayes, 0 nay, 0 PNV and 1 absent.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**

May 13, 1991

TO: Honorable Ron Lewis, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

IN RE: Committee Substitute for  
House Bill No. 476

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 476 (relating to the water quality standards and permit conditions established by the Texas Water Commission) this office has determined the following:

The bill would require local units of government to submit to the Texas Water Commission an analysis of the economic and social cost associated with modifying, an ending, or canceling water quality standards and waste water discharge permits. The cost to units of local government is estimated to be \$1,750,000 annually.

No fiscal implication to the State is anticipated.

Source: Texas Water Commission;  
LBB Staff: JO, JWH, DF, JG, AS

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 27, 1991

TO: Honorable Ron Lewis, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

IN RE: House Bill No. 476  
By: Junell

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 476 (relating to the water quality standards and permit conditions established by the Texas Water Commission) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend the Texas Water Code by requiring the Texas Water Commission to quantify and publish the public costs and benefits associated with modifying, amending or cancelling water quality standards and waste water discharge permits.

The bill also requires the commission to consider reasonable economic and social costs and benefits expected to be obtained as a consequence of adopting, modifying, amending, or cancelling water quality standards or waste water discharge permits.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Cost to Units of Local Government</u>	<u>Change in Number of State Employees from FY 1991</u>
1992	\$ 412,773	\$ 1,758,000	+5
1993	282,773	1,758,000	+5
1994	282,773	1,758,000	+5
1995	282,773	1,758,000	+5
1996	282,773	1,758,000	+5

Similar annual costs would continue as long as the provisions of the bill are in effect.

Source: Texas Water Commission;  
LBB Staff: JO, JWH, DF, JG, PA

**ADOPTED**

MAY 21/1991

*Betty M. ...*  
Chief Clerk  
House of Representatives

By Junell

H.B. No. 476

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By Yest

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SECTION 2. Section 26.029, Water Code (effective until delegation of NPDES permit authority), is amended by adding Subsection (f) to read as follows:

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# HOUSE ENGROSSMENT

91 MAY 22 AM 5:34  
HOUSE OF REPRESENTATIVES

By Junell

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**Austin, Texas**

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Source: Texas Water Commission;  
LBB Staff: JO, JWH, DF, JG, PA

TAG FORM

91 MAY 24 P 3: 06

Austin, Texas

5/24/91  
Date

To the Chairman of the Committee on Natural Resources :

Pursuant to Senate Rule 11.20, I hereby request 48 hours advance notice in writing of the time and place of the hearing on H. B. No. 476.

Charles F. Truman

Give the original of this form to Calendar Clerk for placement on the bill, give one copy to the Secretary of the Senate's office, and one copy to the Chairman of the committee to which the bill was referred.

TAG FORM

CLERK MAY 23 A10:41

Austin, Texas

5-23

Date

To the Chairman of the Committee on Natural Resources:

Pursuant to Senate Rule 11.20, I hereby request 48 hours advance notice in writing of the time and place of the hearing on H. B. No. 476

Bill Sauer

Give the original of this form to Calendar Clerk for placement on the bill, give one copy to the Secretary of the Senate's office, and one copy to the Chairman of the committee to which the bill was referred.

H. B. No. 476

By Juell

A BILL TO BE ENTITLED  
AN ACT

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JAN 18 1991

1. Filed with the Chief Clerk.

FEB 5 1991

2. Read first time and Referred to Committee on  
NATURAL RESOURCES

MAY 6 1991

3. Reported ✓ favorably (as amended)  
(as substituted) and sent to Printer at 6:00pm  
MAY 13 1991

MAY 14 1991

4. Printed and distributed at 1:10am

MAY 16 1991

5. Sent to Committee on Calendars at 11:00am

MAY 21 1991

6. Read second time as subs (amended); passed to third reading (failed) by (Non-Record Vote)  
(Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays  
present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered  
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed  
to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_  
present, not voting.

MAY 21 1991

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote  
of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed  
prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_  
nays, and \_\_\_\_\_ present, not voting).

MAY 22 1991

12. Ordered Engrossed at 12:55a

MAY 22 1991

13. Engrossed.

MAY 22 1991

14. Returned to Chief Clerk at 5:34a

MAY 22 1991

15. Sent to Senate.

Betty Mussey  
Chief Clerk of the House

MAY 22 1991

16. Received from the House

MAY 23 1991

17. Read, referred to Committee on Nat. Resources

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read  
first time.

20. Ordered not printed.

21. Regular order of business suspended by  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments,  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_

HOUSE OF REPRESENTATIVES

91 MAY 22 AM 5:34

HOUSE OF REPRESENTATIVES

91 MAY 14 AM 1:10

967